

## **APPENDIX A**

### **PUERTO RICO PUBLIC HOUSING ADMINISTRATION LIST OF PROPERTIES**

**APPENDIX B**

**PUERTO RICO PUBLIC HOUSING ADMINISTRATION  
PIH NOTICE 2002-01 (HA)**

## **APPENDIX C**

### **PUERTO RICO PUBLIC HOUSING ADMINISTRATION DRAFT REASONABLE ACCOMMODATION POLICY AND SAMPLES OF REASONABLE ACCOMMODATION METHODS**

**APPENDIX C –  
PUERTO RICO PUBLIC HOUSING ADMINISTRATION  
VOLUNTARY COMPLIANCE AGREEMENT**

<b>PUERTO RICO PUBLIC HOUSING ADMINISTRATION DRAFT REASONABLE ACCOMMODATION POLICY AND PROCEDURES</b>
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**POLICY STATEMENT**

PRPHA is committed to ensuring that its policies and procedures do not deny individuals with disabilities the opportunity to participate in, or benefit from, nor otherwise discriminate against individuals with disabilities, on the basis of disability, in connection with the operations of PRPHA's programs, services and activities. Therefore, if an individual with a disability requires an accommodation such as an accessible feature or modification to a PRPHA policy, PRPHA will provide such accommodation unless doing so would result in a fundamental alteration in the nature of the program; or an undue financial and administrative burden. In such a case, the PRPHA will make another accommodation that would not result in a financial or administrative burden.

A reasonable accommodation is a change, modification, alteration or adaptation in policy, procedure, practice, program, or facility that provides a qualified individual with a disability the opportunity to participate in, or benefit from, a program (housing or non-housing) or activity.

PRPHA will post a copy of this Reasonable Accommodation Policy and Procedures in the Central Administrative Offices located in Rio Piedras; the Regional Offices of the PRPHA; the offices of PRPHA's private management companies; and, the management office in each public housing development. In addition, individuals may obtain a copy of this Reasonable Accommodation Policy and Procedures, upon request, from the PRPHA's Section 504/ADA Coordinator.

**LEGAL AUTHORITY**

The PRPHA is subject to Federal civil rights laws and regulations. This Reasonable Accommodation Policy is based on the following statutes or regulations. *See* Section 504 of the Rehabilitation Act of 1973 (Section 504)<sup>1</sup>; Title II of the Americans with Disabilities Act of 1990 (ADA)<sup>2</sup>; the Fair Housing Act of 1968, as amended (Fair Housing Act)<sup>3</sup>; the Architectural Barriers Act of 1968<sup>4</sup>, and the respective implementing regulations for each Act.

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<sup>1</sup> 29 U.S.C. § 794; 24 C.F.R. Part 8.

<sup>2</sup> 42 U.S.C. §§ 12101 *et seq.*

<sup>3</sup> 42 U.S.C. §§ 3601-20; 24 C.F.R. Part 100.

<sup>4</sup> 42 U.S.C. §§ 4151-4157.

## **MONITORING AND ENFORCEMENT**

The PRPHA's Section 504/ADA Coordinator is responsible for monitoring PRPHA's compliance with this Policy. Individuals who have questions regarding this Policy, its interpretation or implementation should contact PRPHA's Section 504/ADA Coordinator in writing, by telephone, or by appointment, as follows:

**Name of Section 504/ADA Coordinator**

**Address**

**Telephone Number**

**Dedicated Toll-Free Telephone Number**

**Facsimile Number**

## **STAFF TRAINING**

The Section 504/ADA Coordinator will ensure that all appropriate PRPHA staff receive annual training on the Reasonable Accommodation Policy and Procedures, including all applicable Federal, state and local requirements regarding reasonable accommodation.

## **REASONABLE ACCOMMODATION**

A person with a disability may request a reasonable accommodation at any time during the application process, residency in public housing, or participation in the Housing Choice Voucher and Moderate Rehabilitation Programs of PRPHA. The individual, PRPHA staff or any person identified by the individual, must reduce all requests to writing.

Reasonable accommodation methods or actions that may be appropriate for a particular program and individual may be found to be inappropriate for another program or individual. The decision to approve or deny a request for a reasonable accommodation is made on a case-by-case basis and takes into consideration the disability and the needs of the individual as well as the nature of the program or activity in which the individual seeks to participate.

## **APPLICATION OF REASONABLE ACCOMMODATION POLICY**

The Reasonable Accommodation Policy applies to individuals with disabilities in the following programs provided by the PRPHA:

- (a) Applicants of public housing;
- (b) Applicants of all Housing Choice Voucher and Moderate Rehabilitation Programs;
- (c) Residents of public housing developments;
- (d) Participants of the Housing Choice Voucher and Moderate Rehabilitation Programs; and

- (e) Participants in all other programs or activities receiving Federal financial assistance that are conducted or sponsored by the PRPHA, its agents or contractors including all non-housing facilities and common areas owned or operated by the PRPHA.

### **PERSON WITH A DISABILITY**

A person with a disability means an individual who has a physical or mental impairment that substantially limits one or more major life activities. As used in this definition, the phrase “physical or mental impairment” includes:

- (a) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- (b) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

“Major life activities” means functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing and learning.

The definition of disability does not include any individual who is an alcoholic whose current use of alcohol prevents the individual from participating in the public housing program or activities; or whose participation, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others.

### **EXAMPLES OF REASONABLE ACCOMMODATIONS**<sup>5</sup>

Examples of reasonable accommodations may include, but are not limited to:

- (a) Making a unit, part of a unit or public and common use element accessible for the head of household or a household member with a disability who is on the lease;
- (b) Permitting a family to have a service or assistance animal necessary to assist a family member with a disability;

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<sup>5</sup> PRPHA will also provide, as an attachment to the Reasonable Accommodation Policy, its “Examples of Reasonable Accommodations”, approved by the U.S. Department of Housing & Urban Development.

- (c) Allowing a live-in aid to reside in an appropriately sized PRPHA unit;
- (d) Transferring a resident to a larger size unit to provide a separate bedroom for a person with a disability;
- (e) Transferring a resident to a unit on a lower level or a unit that is completely on one level;
- (f) Making documents available in large type, computer disc or Braille;
- (g) Providing qualified sign language interpreters for applicant or resident meetings with PRPHA staff; or at resident meetings;
- (h) Installing strobe type flashing lights and other such equipment for a family member with a hearing impairment;
- (i) Permitting an outside agency or family member to assist a resident or an applicant in meeting screening criteria or meeting essential lease obligations;
- (j) Permitting requests for extensions of Housing Choice Vouchers if there is a difficulty in locating a unit with suitable accessible features or otherwise appropriate for the family; and
- (k) As a reasonable accommodation for a family member with a disability, approving a request for exception payment standard amounts under the Housing Choice Voucher Program in accordance with 24 C.F.R. §§ 8.28 and 982.504 (b)(2).

### **PROCESSING OF REASONABLE ACCOMMODATION REQUESTS**

The PRPHA will provide the “Request for Reasonable Accommodation”, (“Request Form”), attached hereto, to all applicants, residents or individuals with disabilities who request a reasonable accommodation. The Reasonable Accommodation Request Form includes various forms of reasonable accommodations as well as the general principles of reasonable accommodation.

Individuals may submit their reasonable accommodation request(s) in writing, orally, or by any other equally effective means of communication. However, the PRPHA will ensure that all reasonable accommodation requests will be reduced to writing. If needed as a reasonable accommodation, the PRPHA will assist the individual in completing the Request Form.

- (a) The PRPHA will provide all applicants with the Request Form as an attachment to the PRPHA application. The Request for Reasonable Accommodation Form must be provided in an alternative format, upon request.
- (b) Reasonable Accommodations will be made for applicants during the application process. All applications must be taken in an accessible location. Applications will be made available in accessible formats. PRPHA will provide applicants with appropriate auxiliary aids and services, including qualified sign language interpreters and readers, upon request.

- (c) PRPHA will provide all residents with the Request Form during the annual re-certification, and upon request. The PRPHA will provide the Request Form in an alternate form, upon request.
- (d) Residents seeking accommodation(s) may contact the housing management office, including office of private management companies acting on behalf of PRPHA, within their housing development or the regional management office. In addition, residents may also contact the Section 504/ADA Coordinator's office directly to request the accommodation(s).
- (e) Within seven (7) business days of receipt, the housing management office, private management company or regional management office will forward the resident's reasonable accommodation request(s) to the Office of the Section 504/ADA Coordinator.
- (f) Within twenty (20) business days of receipt, the Office of the Section 504/ADA Coordinator, or the resident's regional or management office will respond to the Resident's Request.
- (g) If additional information or documentation is required, the Section 504/ADA Coordinator's office will notify the resident, in writing, of the need for the additional information or documentation. The Section 504/ADA Coordinator's Office will provide the resident with the "Request for Information or Verification Form" ["Request for Information"], a copy of which is attached. The written notification should provide the resident with a reply date for submission of the outstanding information or documentation.
- (h) Within thirty (30) business days of receipt of the request and, if necessary, all supporting documentation, PRPHA will provide written notification to the resident of its decision to approve or deny the resident's request(s). Upon request, the written notification will be provided in an alternate format. A copy of the "Letter Denying Request for Reasonable Accommodation(s)" and "Letter Approving Request for Reasonable Accommodation(s)" are attached.
- (i) If PRPHA approves the accommodation request(s), the resident will be notified of the projected date for implementation.
- (j) If the accommodation is denied, the resident will be notified of the reasons for denial. In addition, the notification of the denial will also provide the resident with information regarding PRPHA's HUD-approved Grievance Procedures.



- (k) All recommendations that have been approved by the ADA/504 Coordinator will be forwarded to the appropriate regional housing manager for implementation. All requests for reasonable accommodation that are approved by the regional housing manager will promptly be implemented or begin the process of implementation.

### **VERIFICATION OF REASONABLE ACCOMMODATION REQUEST**

PRPHA may request documentation of the need for a Reasonable Accommodation as identified on the Request for Reasonable Accommodation Form. In addition, PRPHA may request that the individual provide suggested reasonable accommodations.

The PRPHA may verify a person's disability only to the extent necessary to ensure that individuals who have requested a reasonable accommodation have a disability-based need for the requested accommodation.

However, the PRPHA may not require individuals to disclose confidential medical records in order to verify a disability. In addition, the PRPHA may not require specific details regarding the individual's disability. The PRPHA may only request documentation to confirm the disability-related need(s) for the requested reasonable accommodation(s). The PRPHA may not require the individual to disclose the specific disability(ies); or the nature or extent of the individual's disability(ies).

The following may provide verification of a resident's disability and the need for the requested accommodation(s):

- (a) Physician;
- (b) Licensed health professional;
- (c) Professional representing a social service agency; or
- (d) Disability agency or clinic.

Upon receipt, the resident's Property Manager, including private management companies operating on behalf of PRPHA, will forward the recommendation, including all supporting documentation, to the PRPHA's Section 504/ADA Coordinator within seven (7) days of receipt.

### **DENIAL OF REASONABLE ACCOMMODATION REQUEST(S)**

Requested accommodations will not be approved if one of the following would occur as a result:

- (a) A violation of Puerto Rico and/or federal law;
- (b) A fundamental alteration in the nature of the PRPHA public housing program;
- (c) An undue financial and administrative burden on PRPHA;

- (d) A structurally infeasible alteration; or
- (e) An alteration requiring the removal or alteration of a load-bearing structural member.

### **TRANSFER AS REASONABLE ACCOMMODATION**

PRPHA shall not require a resident with a disability to accept a transfer in lieu of providing a reasonable accommodation. However, if a public housing resident with a disability requests dwelling unit modifications that involve structural changes, including, but not limited to widening entrances, rooms, or hallways, and there is a vacant, comparable, appropriately sized UFAS-compliant unit in that resident's project or an adjacent project, PRPHA may offer to transfer the resident to the vacant unit in his/her project or adjacent project in lieu of providing structural modifications. However, if that resident rejects the proffered transfer or voucher, PRPHA shall make modifications to the resident's unit unless doing so would be structurally impracticable or would result in an undue financial and administrative burden.

If the resident accepts the transfer, PRPHA will work with the resident to obtain moving expenses from social service agencies or other similar sources. If that effort to obtain moving expenses is unsuccessful within thirty (30) days of the assignment of the dwelling unit, PRPHA shall pay the reasonable moving expenses, including utilities fees and deposits. Nothing contained in this paragraph is intended to modify the terms of PRPHA's Tenant and Assignment Plan and any resident's rights thereunder.

### **HOUSING CHOICE VOUCHER AS REASONABLE ACCOMMODATION**

- (1) When issuing a voucher as an accommodation, PRPHA must include a list of current available accessible units known to PRPHA, upon request. PRPHA will also provide search assistance. PRPHA may also partner with a qualified, local disability organization to assist the resident or applicant with the search for available, accessible housing. *See* 24 C.F.R. § 8.28.
- (2) Extensions beyond the maximum term of one hundred eighty (180) days are available as a reasonable accommodation to eligible individuals with disabilities. These extensions are subject to documentation that a diligent effort to locate a unit has been conducted considering any impediments to searching because of a family member's disability.
- (3) PRPHA may, if necessary as a reasonable accommodation for an individual with a disability, approve a family's request for an exception payment standard amount under the Housing Choice Voucher Program so that the program is readily accessible to and usable by individuals with disabilities. *See* 24 C.F.R. §§ 8.28 and 982.504(b)(2).
- (4) Upon request by an applicant, participant, or their representative, PRPHA will ask the HUD Field Office for an exception payment standard up to

120% of the Fair Market Rent (FMR). However, the applicant, participant or the representative, must provide documentation of the need for the exception payment standard to PRPHA.

- (5) In exceptional cases, PRPHA may ask the Assistant Secretary for Public and Indian Housing of HUD for an exception payment standard amount over 120% of the FMR, provided the applicant, participant or the representative provides the appropriate supporting documentation.

### **SERVICE OR ASSISTANCE ANIMALS**

Residents of PRPHA with disabilities are permitted to have assistance animals, if such animals are necessary as a reasonable accommodation for their disabilities. PRPHA residents or potential residents who need an assistance animal as a reasonable accommodation must request the accommodation in accordance with the reasonable accommodation policy. Assistance animals are not subject to the requirements of PRPHA's Pet Policy.

### **RIGHT TO APPEAL/GRIEVANCE PROCESS**

- (1) The public housing applicant or resident may file a complaint in accordance with PRPHA's HUD-approved Grievance Procedure following a formal determination by the PRPHA's ADA/504 Coordinator.
- (2) The Housing Choice Voucher and Moderate Rehabilitation Program participant and applicant complainant may file a complaint in accordance with PRPHA's HUD-Approved Grievance Procedure following a formal determination by the PRPHA's ADA/504 Coordinator.
- (3) An applicant or resident may, at any time, exercise their right to appeal a PRPHA decision through the local HUD office or the U.S. Department of Justice. Individuals may contact the local HUD office at:

U.S. Department of Housing and Urban Development  
Caribbean HUB Office  
171 C. Chardon Ave.  
Room #301  
San Juan, Puerto Rico  
Telephone: (787) 766-5400  
Facsimile: (787) 766-6504

<p><b>PUERTO RICO PUBLIC HOUSING ADMINISTRATION</b> <b>REQUEST FOR REASONABLE ACCOMMODATION</b></p>
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You may utilize this form to request that the Puerto Rico Public Housing Administration (PRPHA) provide a reasonable accommodation to you, or any member of your household who has a disability, so that you or a member of your household may utilize your residence, or any of the PRPHA's facilities, programs or services.

For purposes of this form, please refer to the attached "Reasonable Accommodation Policy" to determine whether you are a "qualified individual with a disability".

If you would like to request a reasonable accommodation on behalf of yourself or a member of your household, please complete this form. You must date and sign your name at the bottom of this form and return the form to the property manager's office. If you need assistance in understanding whether you or a member of your household is a "qualified individual with a disability" or if you need assistance in completing this form, please contact your local property management office or the PRPHA's Section 504/ADA Coordinator.

\_\_\_\_\_  
Date of Request

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Name of Applicant/Resident/Participant

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Address

\_\_\_\_\_  
City/State/Zip Code

1. I am requesting the following reasonable accommodation(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. I am requesting the reasonable accommodation(s) on behalf of: (name): \_\_\_\_\_  
\_\_\_\_\_

3. My reason(s) for requesting this reasonable accommodation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. A physician, licensed health care professional, professional representing a social service agency, disability agency or clinic may provide verification of your disability.

You may request a physical modification to your current unit or a transfer to a unit that has been previously modified [in your development or another development]. The Puerto Rico Public Housing Administration will work with you to determine how to fulfill your reasonable accommodation request. The Puerto Rico Public Housing Administration may require documentation to support your reasonable accommodation request(s). Please indicate which option you prefer:

- ☐ I wish to have modifications made to my current unit only
- ☐ I would consider moving to a unit that is currently modified, but only within my current development
- ☐ I would consider moving to a unit that is currently modified, even in another development

\_\_\_\_\_  
Signature of Applicant/Resident/Participant

\_\_\_\_\_  
Date

**PUERTO RICO PUBLIC HOUSING ADMINISTRATION  
VERIFICATION OF DISABILITY**

Name: \_\_\_\_\_

Date: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Dear Resident/Applicant:

You have indicated that you, or a member of your household, need a reasonable accommodation because of a disability in connection with a Puerto Rico Public Housing Administration residence, facility, program or service. A physician, licensed health care professional, or a professional representing a social service agency or disability agency or clinic may verify this information.

Please take this letter and the enclosed pre-addressed envelope to your health care provider or other appropriate individual, clinic or agency.

The Puerto Rico Public Housing Administration will use this information to evaluate your request for a reasonable accommodation. The Puerto Rico Public Housing Administration will keep this information confidential. If you choose not to authorize the release of this information, we may not be able to consider your reasonable accommodation request(s).

**MODIFICATION/ACCOMMODATION REQUESTED:**

\_\_\_\_\_  
\_\_\_\_\_

**AUTHORIZATION FOR RELEASE OF INFORMATION**

**RE: Household member with disability:** \_\_\_\_\_

I hereby authorize the release of information to the Puerto Rico Public Housing Administration regarding the request for reasonable accommodation described on this form. This release shall constitute a waiver of confidentiality of our relationship, if any.

\_\_\_\_\_  
Name of Family Member/Parent/Legal Guardian [Print]

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Relationship to Resident

<p style="text-align: center;"><b>PUERTO RICO PUBLIC HOUSING ADMINISTRATION</b> <b>RELEASE OF MEDICAL INFORMATION</b></p>
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**RE:**

\_\_\_\_\_  
Please print resident's name

**DATE:**

\_\_\_\_\_

I hereby authorize **[Insert name of health care provider or other appropriate documenting authority]** to consult with representatives of the Puerto Rico Public Housing Administration, in writing, in person, or by telephone concerning the physical or mental impairment(s) that I assert to qualify as a individual with a disability for purposes of this reasonable accommodation request.

In addition, I authorize **[Insert name of health care provider or other appropriate documenting authority]** to provide any relevant information that the Puerto Rico Public Housing Administration requests concerning the impairment and the resident's housing needs.

\_\_\_\_\_  
Resident's Signature

**PLEASE PROVIDE THE FOLLOWING INFORMATION:**

(1) Name of Health Care Provider/Documenting Authority:

\_\_\_\_\_

(2) Address of Health Care Provider/Documenting Authority:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(3) Telephone Number of Health Care Provider/Documenting Authority:

\_\_\_\_\_

(4) Facsimile Number of Health Care Provider/Documenting Authority:

\_\_\_\_\_

<p style="text-align: center;"><b>PUERTO RICO PUBLIC HOUSING ADMINISTRATION REQUEST FOR REIMBURSEMENT</b></p>
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**Remember to attach a completed “Request for Reasonable Accommodation” to this  
Request for Reimbursement**

**To Resident:**

You should use this form if you made changes, at your expense, to your dwelling unit to accommodate the needs of a household member with a disability. You may be entitled to reimbursement for the expenses you incurred as a result of the modifications.

Please complete this form to report all changes you made to your unit, including the costs of those changes. Please also attach copies of any receipts or other verification of the changes you made to your unit and the expenses you incurred.

You must also complete and attach the “Request for a Reasonable Accommodation” in order to document that you or a household member is a qualified individual with a disability and needed the changes to the unit as a result of the disability.

Name of Resident Seeking Reimbursement: \_\_\_\_\_  
Please Print

Property Name: \_\_\_\_\_

Address: \_\_\_\_\_

Name of Household Member with a Disability: \_\_\_\_\_

Please list all reasonable accommodation changes you made to your unit: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please list all costs you incurred for each change you made to your unit: [Please attach all receipts or other verifications.] \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please remember that only modifications that you made as a result of the needs of you or a member of your household with a disability will be considered for reimbursement.**

**Thank you.**



<p style="text-align: center;"><b>PUERTO RICO PUBLIC HOUSING ADMINISTRATION</b> <b>APPROVAL OF REQUEST FOR REASONABLE ACCOMMODATION</b></p>
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Date: \_\_\_\_\_

To: **[Provide Applicant/Resident's Name & Address]**

Dear Applicant or Resident:

We have received and approved your request for reasonable accommodation. Specifically, you requested **[describe specific accommodation request(s)]**.

- \_\_\_\_\_ We will provide you with the requested accommodation(s) by **[date]**.
- \_\_\_\_\_ Although we have approved your request, we will not be able to complete your accommodations until **[date]** due to **[describe the reason(s) for the delay.]**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If you have any questions regarding this matter, please contact this office **[provide contact information]**.

If you think that this change or modification is not what you requested; if this is unacceptable; or, if you object to the length of time it will take to provide your request, you may contact the Puerto Rico Public Housing Administration Section 504/Coordinator at **[provide name, address, telephone number of Section 504/ADA Coordinator.]**

In addition, you may exercise your right to appeal a PRPHA decision through your local HUD office or the U.S. Department of Justice. You may contact the local HUD office at:

U.S. Department of Housing and Urban Development  
Caribbean HUB Office  
171 C. Chardon Ave.  
Room #301  
San Juan, Puerto Rico  
Telephone: (787) 766-5400  
Facsimile: (787) 766-6504

Sincerely,

Name/Title  
Puerto Rico Public Housing Administration

**PUERTO RICO PUBLIC HOUSING ADMINISTRATION  
DENIAL OF REQUEST FOR REASONABLE ACCOMMODATION**

Date: \_\_\_\_\_

To: **[Provide Applicant/Resident's Name & Address]**

Dear Applicant or Resident:

We have received your request for reasonable accommodation. Specifically, you requested **[describe specific accommodation request(s)]**. Following our review of your request, we have denied your request for the following reason(s):

- \_\_\_\_\_ You do not meet the definition of a “qualified individual with a disability” as explained in the “Reasonable Accommodation Policy” and, therefore, we are not required to provide you with a reasonable accommodation.
- \_\_\_\_\_ We have determined that your request is not “reasonable” for the following reasons: **[describe specific basis for unreasonable determination]** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ Your requested accommodation is structurally infeasible for the following reasons: **[describe reasons for structural infeasibility determination.]** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ Your requested accommodation would result in a fundamental alteration in the nature of our program for the following reasons: **[describe reasons for fundamental alteration determination.]** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- \_\_\_\_\_ Your requested accommodation would result in an undue financial and administrative burden for the PRPHA for the following reasons: **[describe reasons for undue financial and administrative burden determination.]** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Although we were unable to approve your specific reasonable accommodation request(s), we would like to meet with you to discuss an equally effective accommodation that may meet your needs. You may bring a friend, advocate or attorney with you to meet with us. We would like to meet with you on **[insert date, time and location, including address, of proposed meeting.]** If you are unable to meet with us at this scheduled time, please contact our office at **[provide office telephone number]** to reschedule a mutually convenient date and time for the meeting.

If you disagree with our decision, you may contact Puerto Rico Public Housing Administration Section 504/Coordinator at **[provide name, address, telephone number of Section 504/ADA Coordinator.]**

In addition, you may exercise your right to appeal a PRPHA decision through your local HUD office or the U.S. Department of Justice. You may contact the local HUD office at:

U.S. Department of Housing and Urban Development  
Caribbean HUB Office  
171 C. Chardon Ave.  
Room #301  
San Juan, Puerto Rico  
Telephone: (787) 766-5400  
Facsimile: (787) 766-6504

Sincerely,

Name/Title  
Puerto Rico Public Housing Administration

## **PUERTO RICO PUBLIC HOUSING ADMINISTRATION EXAMPLES OF REASONABLE ACCOMMODATION METHODS**

The following list of reasonable accommodation methods are examples of modifications that may constitute reasonable accommodations for individual PRPHA residents. These accommodations may not necessarily be “reasonable” for all individuals. In addition, each accommodation may not be available to every resident in every unit and/or in every development.

Section 504 states that the design, construction or alteration of buildings in conformance with §§ 3-8 of the Uniform Federal Accessibility Standards (UFAS), Appendix A to 24 C.F.R. § 40, shall be deemed to comply with the requirements of 24 C.F.R. §§ 8.21; 8.22; 8.23 and 8.25. However, the UFAS citations noted below are provided as a reference to assist in providing a reasonable accommodation and are not intended to govern every request for a modification. In order to meet the individual’s specific disability-related need(s), the PRPHA may need to deviate from the UFAS. In addition, the reference to a UFAS section does not require all elements in that section to be made accessible. Rather, only the specific reasonable accommodation item requested is required to be accessible per the needs of the individual requesting the reasonable accommodation.

However, some modifications may not be structurally feasible in all units or all developments; in addition, some modifications may represent an undue financial and administrative burden. In such situations, the requirement to provide a reasonable accommodation is not alleviated, but must be provided by some other means such as transferring a family with a disabled member to a unit/development where the reasonable accommodation can be provided; or, offering a Housing Choice Voucher if such a unit would address the reasonable accommodation(s) requested. Nevertheless, PRPHA will work with each qualified resident with a disability who requests a reasonable accommodation in order to identify a reasonable, effective and appropriate accommodation.

### **Common Areas<sup>6</sup> -**

- Add edge protection to ramps and ramp landings with drop-offs
- Widen doors
- Provide accessible, lever-type door hardware
- Re-hang door to lay flat against a wall when opened
- Re-hang door to swing outward instead of into the accessible space
- Provide accessible or adjustable closet rods and shelves
- Provide lever faucets in public restrooms
- Provide grab bars in public restrooms
- Provide accessible toilets in public restrooms
- Lower mirrors in public restrooms
- Provide extra electrical outlets for TDD/TTY equipment

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<sup>6</sup> Common Areas include, but are not limited to: PRPHA offices, including management and regional offices; private management company offices; community room; senior center; meeting room; mail room; laundry room; trash disposal; and, day care facilities.

- Provide heavier electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments
- Provide visual alarms for individuals who are deaf or hard of hearing
- Provide accessible cabinets and countertops in public kitchens
- Provide accessible appliances [i.e., refrigerator, oven, stove] in public kitchens

### **Elevators<sup>7</sup> -**

- Elevators shall be located on an accessible route
- Residential or fully enclosed wheelchair lifts may be used, when appropriate, and when approved by local administrative authorities. *See* UFAS §§ 4.10.1; 4.11

### **Building Entrances and Accessible Routes<sup>8</sup> -**

- Accessible signage;
- Add edge protection to ramps and ramp landings with drop-offs
- Widen doors
- Provide accessible, lever-type door hardware
- Re-hang door to lay flat against a wall when opened
- Re-hang door to swing outward instead of into the accessible space
- Add or adjust door closures
- Provide lever faucets in public restrooms
- Provide grab bars in public restrooms
- Provide accessible toilets in public restrooms
- Lower mirrors in public restrooms
- Provide extra electrical outlets for TDD/TTY equipment
- Provide heavier electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments
- Provide visual alarms for individuals who are deaf or hard of hearing
- Providing contrasting paint on doors, around doorways, at windows, baseboards and/or stairs/risers for individuals with visual impairments
- Provide an accessible route into a building

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<sup>7</sup> Accessible elevators shall be on an accessible route and shall comply with UFAS § 4.10 and with the American National Standard Safety Code for Elevators, Dumbwaiters, Escalators and Moving Walks, ANSI A17.1-1978 and A17.1a-1979. *See* UFAS § 4.10; Figures 20, 22 and 23. An “accessible route” is a continuous, unobstructed UFAS-compliant path as prescribed in 24 C.F.R. §§ 8.3 and 8.32 and UFAS § 4.3.

<sup>8</sup> At least one (1) accessible route complying with UFAS § 4.3 shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading zones, if provided, and public streets or sidewalks to an accessible building entrance. *See* UFAS §§ 4.1.1(1); 4.3. In addition, UFAS requires that at least one (1) accessible route complying with UFAS § 4.3 shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility. *See* UFAS §§ 4.1.2(1); 4.3.

### **Trash Disposal Facilities –**

- Provide accessible route into and through trash disposal facilities; or, provide an equally-effective accommodation such as personal trash disposal by housing staff

### **Laundry Facilities -**

- Provide accessible route into and through common-use laundry facilities. Provide at least one (1) front loading washer and one (1) front-loading dryer in public-use laundry facilities<sup>9</sup>; or, provide an equally effective accommodation such as the provision of a front-loading washer and dryer in resident's unit; or, provision of laundry services at PRPHA's expense

### **Mail Delivery/Mail Boxes -**

- Provide accessible route into and through mail boxes/mail facilities. Provide mailbox at lower height, upon request; or, provide equally effective accommodation such as home delivery.<sup>10</sup>

### **Apartment Entrance and Interior Doors –**

- Widen doors
- Provide accessible, lever-type door hardware
- Re-hang door to lay flat against a wall when opened
- Re-hang door to swing outward instead of into the accessible space
- Add or adjust door closure speed
- Adjust door opening force required for pushing/pulling the door
- Provide lower peep holes or "telescoped" peep holes
- Provide a visual door knocker for individuals with hearing impairments
- Providing contrasting paint on doors, around doorways, at windows, baseboards and/or stairs/risers for individuals with visual impairments
- Provide ramp from accessible route to accessible entrance into unit

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<sup>9</sup> If laundry equipment is provided within individual dwelling units, or if separate laundry facilities serve one or more accessible dwelling units, then they shall meet the requirements of UFAS §§ 4.34.71 through 4.34.7.3.

<sup>10</sup> "Cluster boxes", common in multi-family housing developments, are routinely placed in sequential order. However, if a customer is unable to access his/her mailbox due to a disability, the customer may submit a request under the U.S. Postal Service's "Hardship Clause" and request the relocation of the mailbox to a lower, accessible level. According to § 631.42 of the U.S. Postal Service "Postal Operations Manual", the customer submits the "Hardship Clause" request directly to his/her postal delivery person; the delivery person then submits the request to his/her manager. The manager evaluates the individual request and takes appropriate action. If the postal service is unable to relocate the mailbox, the postal service may provide an alternate accommodation such as door delivery.

### **Apartment Light Switches & Electrical Outlets**

- Lower electrical switches and/or raise electrical outlets<sup>11</sup>
- Provide extra electrical outlets for TDD/TTY equipment or other equipment utilized by individuals with disabilities
- Provide heavier electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments
- Lower thermostat controls
- Lower circuit breakers, when located in unit

### **Apartment Interior -**

- Provide extra electrical outlets for TDD/TTY equipment or other equipment utilized by individuals with disabilities
- Provide heavier electrical circuits to accommodate higher wattage bulbs for individuals with visual impairments
- Provide visual and audible alarms for individuals who are deaf or hard of hearing; and, provide visual alarms in each room of unit<sup>12</sup>
- Provide windows which requires five pounds or less of opening force; provide crank type opening mechanism with large levers, when feasible
- Provide accessible storage spaces, including lowering clothes rods and/or adjustable closet shelves. Accessible storage spaces shall comply with UFAS § 4.25; Fig. 38

### **Apartment Kitchens<sup>13</sup> -**

- Lower kitchen sink
- Provide lever type hardware on kitchen faucet
- Provide accessible kitchen cabinets; provide accessible hardware on kitchen cabinets
- Provide accessible kitchen counters and work space

#### **If the following items are provided to non-disabled residents in a development:**

- Provide accessible refrigerators. *See* UFAS § 4.34.6.8
- Provide accessible ovens. *See* UFAS § 4.34.6.7
- Provide accessible dishwashers. *See* UFAS § 4.34.6.9

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<sup>11</sup> The highest operable part of all controls, dispensers, receptacles, and other operable equipment shall be placed within at least one of the reach ranges specified in §§ 4.2.5 and 4.2.6. Except where the use of special equipment dictates otherwise, electrical and communications system receptacles on walls shall be mounted no less than 15" above the finish floor. *See* UFAS § 4.27.3

<sup>12</sup> If emergency warning systems are provided, they shall include both audible alarms complying with UFAS § 4.28.2 and visual alarms complying with UFAS § 4.28.3. *See* UFAS § 4.1.2 (13)

<sup>13</sup> Accessible or adaptable kitchens and their components shall be on an accessible route and shall comply with the requirements of UFAS § 4.34.6. However, the PRPHA will not be required to make all elements of the kitchen accessible, unless requested by the resident with a disability. Rather, the resident may request specific accessible kitchen elements.

### **Apartment Bathrooms**<sup>14</sup> -

- Provide wider door
- Provide lever type hardware on lavatory faucet
- Lower wash basin
- Lower mirror
- Provide accessible toilet
- Relocate toilet paper dispenser
- Provide grab bars at toilet
- Provide grab bars at bathtub and/or shower
- Provide seat in bathtub or shower
- Provide hand-held shower device
- Relocate bathtub and/or shower controls
- Provide roll-in shower or shower/bathtub seat

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<sup>14</sup> Accessible or adaptable bathrooms shall be on an accessible route and shall comply with UFAS § 4.34.5. However, the PRPHA will not be required to make all elements of the bathroom accessible, unless requested by the resident with a disability. Rather, the resident may request specific accessible bathroom elements.



## **APPENDIX D**

### **PUERTO RICO PUBLIC HOUSING ADMINISTRATION DRAFT GRIEVANCE PROCEDURES**

**APPENDIX D – VOLUNTARY COMPLIANCE AGREEMENT  
PUERTO RICO PUBLIC HOUSING ADMINISTRATION  
DRAFT GRIEVANCE PROCEDURES**

**CHAPTER 63 PUBLIC HOUSING: GRIEVANCE PROCEDURES**

Sections

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**6300 PURPOSE**

- 6300.1 The rules of procedure of this chapter shall govern conferences and hearings resulting from complaints filed by individual public housing residents and applicants for housing in Puerto Rico Public Housing Administration (PRPHA) owned or operated dwellings.
- 6300.2 The procedures shall provide a means for review of grievances through administrative means short of taking action through the appropriate judicial proceeding, but in no way waives the complainant's right to judicial proceedings.
- 6300.3 The grievance procedure shall not be used to review complaints or grievances related to initiating or negotiating changes to existing policies set forth in this chapter or for class grievances.

**6301 FILING A COMPLAINT**

- 6301.1 Any resident of or applicant for PRPHA owned or operated housing who believes that he or she is aggrieved, or adversely affected by an act or failure to act by the PRPHA employee or official, may file a complaint with the PRPHA requesting an administrative determination of his or her rights.

6301.2 Any grievance concerning an eviction or termination of tenancy based upon a resident's creation or maintenance of a threat to the health or safety of other residents or PRPHA employees shall be excluded from the grievance procedures.

6301.3 The complaint shall be mailed or personally presented either orally or in writing to the PRPHA Central Office or to the office of the property in which the complainant resides during normal office hours, but not later than one (1) year after the PRPHA act or failure to act that constitutes the basis for the grievance. The complaint shall state the particular grounds on which it is based and the action or relief requested. Upon request, PRPHA will assist a complainant in putting his or her complaint into writing.

6301.4 Upon receipt of the complaint, the PRPHA Central Office or the on-site property office shall provide the complainant with information explaining the complainant's right to a fair hearing and outlining the Puerto Rico's Low Rent Housing Grievance Procedures.

## **6302 INFORMAL SETTLEMENT OF COMPLAINT'S**

6302.1 Within three (3) working days of receipt of the complaint, PRPHA shall schedule a conference with the complainant to informally discuss the complaint with the objective of reaching a settlement without a hearing.

6302.2 The PRPHA shall convene the informal settlement conference within ten (10) working days of the date the complaint was filed.

6302.3 If a settlement is reached, within ten (10) working days of the conference, the terms of the settlement shall be put in writing by PRPHA, signed by each party, and made a part of the complainant's PRPHA file. A copy of the settlement shall be given to the complainant.

6302.4 If a settlement cannot be reached, PRPHA shall prepare and serve on the complainant a written answer to the complaint within ten (10) working days of the conference with the complainant. The answer shall specify the following:

- (a) The PRPHA proposed disposition of the complaint and the specific reasons therefore;
- (b) The right of the complainant to a hearing and the procedure for requesting a hearing; and
- (c) The time allowed to request a hearing.

6302.5 The answer shall be served upon the complainant as follows:

- (a) Where the complainant is a resident, by personally serving the answer on the complainant or leaving a copy at the dwelling unit with a person of suitable age, or posting on the door of the complainant's unit if no one is at home; or
- (b) Where the complainant is an applicant, by sending the answer by first class mail, postage prepaid, to the complainant's address as it appears in the records of PRPHA.

### **6303 REQUEST FOR HEARING**

6303.1 If the Complainant is not satisfied with the proposed disposition of his or her complaint, he or she may submit in person or by mail a written request for a hearing. Upon request, PRPHA will assist a complainant in putting his or her complaint in writing. The written request shall be provided:

- (a) To the PRPHA's Office of Fair Hearings (OFH); or
- (b) To the OFH through the office of the on-site property in which the complainant resides.

On determinations of ineligibility for applicants for public housing, the notice will include the complaint form by which families can request a hearing and return it to PRPHA. The complaint form will also be available to applicants and residents at all PRPHA offices.

6303.2 A complainant's request for a hearing, which shall be in writing, shall be filed as follows:

- (a) If the complainant is a resident, within seven (7) working days from the date the answer is served; or
- (b) If the complainant is an applicant, within ten (10) working days from the date the answer is mailed.

6303.3 If the complainant does not request a hearing within the specified time, PRPHA's disposition of the complaint pursuant to §6302.4 shall become final. This shall not constitute a waiver of the complainant's right to contest PRPHA's actions in an appropriate judicial proceeding.

6303.4 Upon receipt of a request for a hearing, OFH shall assign a hearing officer to the complaint from the hearing panel, on a rotating basis to the extent possible.

6303.5 Within fifteen (15) working days, the hearing officer shall schedule a hearing time, date and place, reasonably convenient to both the complainant and the PRPHA, and shall notify the complainant and PRPHA.

6303.6 Within thirty (30) days of the date the hearing is scheduled, OFH shall convene the hearing, unless rescheduled for good cause by the assigned hearing officer.

#### **6304 SELECTION OF HEARING OFFICERS**

6304.1 The PRPHA shall select six (6) impartial, disinterested members in good standing of any bar to be available to serve as hearing officers.

6304.2 The hearing officers shall be assigned at random to hear grievances.

6304.3 If the complainant objects to the hearing officer, PRPHA and the complainant shall attempt to agree upon another member of the pool of hearing officers.

6304.4 If PRPHA and the complainant cannot agree, PRPHA shall select any individual to serve as a member of the hearing panel, the complainant shall select any individual to serve as a member of the panel and these two (2) individuals shall select a third member. The choice of the individuals who comprise the hearing panel shall not be limited to the (6) six-member pools of hearing officers.

6304.5 If the individuals selected by PRPHA and the complainant cannot agree on a third member, such a member shall be selected by an independent arbitration organization as provided in 24 C.F.R. §966.55(b)(1).

#### **6305 AUTHORITY OF HEARING OFFICERS**

6305.1 The hearing officer shall have all powers necessary to conduct a fair and impartial hearing, including the following:

- (a) To administer or direct the administration of oaths and affirmations;
- (b) To examine and direct witnesses to testify;
- (c) To rule upon offers of proof and receive relevant evidence;
- (d) To regulate the course of the hearing and the conduct of the parties, other participants, and their counsel;

- (e) To arrange a conference for settlement or to simplify the issues by agreement of the parties;
- (f) To consider and rule upon procedural requests; and
- (g) To take any action authorized by this chapter.

6305.2 The hearing officer shall have the power to grant appropriate relief, including the following:

- (a) Rental Abatements;
- (b) Monetary Damages;
- (c) Relocation of residents to other PRPHA owned or operated housing units; and
- (d) The ordering of repairs and/or accessibility features by PRPHA.

6305.3 Temporary relocation of residents to private housing units available to the agency shall be authorized and may be ordered if the hearing officer finds that the unit is so seriously deficient that it poses a significant threat to the health or safety of the resident.

6305.4 If PRPHA does not take immediate action to correct the threat and fails to demonstrate that suitable public housing is available, the hearing officer may order PRPHA to temporarily relocate the resident to a suitable private housing unit.

## **6306 EX-PARTE COMMUNICATIONS**

6306.1 The hearing officer shall not consult any person or party on any fact at issue except after notice and opportunity for all parties to participate.

6306.2 No employee or agent of the Puerto Rico government engaged in the investigation or prosecution of a case shall participate or advise in the proposed decision in that case except as a witness or counsel in the hearing or other public proceedings.

## **6307 RIGHTS OF COMPLAINANTS**

6307.1 The complainant shall be afforded a fair hearing providing the basic safeguards of due process, which shall include the following:

- (a) The right to be represented by counsel or another person chosen as a representative;

- (b) The right to a private hearing, unless the complainant requests a public hearing;
- (c) The opportunity to examine, before the hearing, documents, records, and regulations of PRPHA that are relevant to the hearing. Any document not so made available after the complainant has made a request for the document may not be used as evidence by PRPHA at the hearing;
- (d) When requested, PRPHA shall provide to the complainant, at no charge, fifty (50) pages of documents, records, and unpublished regulations of PRPHA relevant to the hearing. A reasonable charge of not more than twenty five (25) cents per page may be assessed for reproducing material in excess of fifty (50) pages requested by the complainant;
- (e) The right to present evidence and arguments in support of his or her complaint, to controvert evidence relied on by PRPHA, and to confront and cross-examine all witnesses on whose testimony or information PRPHA relies;
- (f) The right to a decision based solely upon the facts presented at the hearing; and
- (g) The right to arrange, in advance, and at his or her expense, to receive a transcript of the hearing.
- (h) The right to request a reasonable accommodation for a disability. [A copy of the PRPHA's HUD-approved Reasonable Accommodation Policy will also be provided as an attachment to the PRPHA's approved Grievance Procedures.]

## **6308 NONPAYMENT OF RENT: ESCROW DEPOSIT REQUIRED**

- 6308.1 Before a hearing is scheduled in any grievance involving the amount of rent claimed due by PRPHA, the complainant shall pay to the PRPHA an amount equal to the amount of the rent due and payable "as of the first of the month preceding the month in which the act or failure to act took place."
- 6308.2 The complainant shall thereafter deposit the same amount of the monthly rent in the escrow account designated by PRPHA monthly when due until the complaint is resolved as a result of the hearing.

6308.3 The failure to make the payments shall result in the termination of the grievance procedure and PRPHA's proposed disposition of the complaint pursuant to §6302.3 will become final.

6308.4 Failure to make payment shall not constitute a waiver of any right the complainant may have to contest PRPHA's disposition of the complainant's grievance in an appropriate judicial proceeding.

## **6309 FAILURE TO APPEAR**

6309.1 If either party fails to appear at a hearing, the hearing officer may do the following:

- (a) Postpone the hearing for up to five (5) working days;
- (b) With the consent of both parties, reschedule the hearing for a later date; or
- (c) Make a determination that the complainant has waived his or her right to a hearing, if the complainant fails to appear. The waiver shall not constitute a waiver of complainant's right thereafter to contest PRPHA's action in an appropriate judicial proceeding.
- (d) Grant an exception if the family is able to document an emergency situation that prevented them from attending or requesting a postponement of the hearing or if requested as a reasonable accommodation for an individual with a disability.

## **6310 ELECTION NOT TO ACT**

6310.1 The hearing officer, after review of the written complaint and the disposition proposed by PRPHA, may render a decision without proceeding with the hearing if the hearing officer determines that the issues have been decided previously in an earlier hearing of other complaints based on essentially the same set of facts.

6310.2 When the hearing officer decides to render a decision without a hearing, he or she shall prepare a written finding citing the previous hearing or hearings involving the same issue, and shall certify these findings and decision to the PRPHA Administrator.

6310.3 Parties to the proceedings shall be given copies of the hearing officer's findings and decision.

6310.4 Sections 6314, 6315, and 6316 of this Chapter shall apply to findings and decisions rendered without a hearing.



**6311 HEARING PROCEDURES**

- 6311.1 At the hearing, the complainant shall make a showing of entitlement to the relief sought. If, in the opinion of the hearing officer, the complainant fails to do so, the hearing officer may render a decision in favor of PRPHA without further presentation of evidence.
- 6311.2 If the hearing officer decides the complainant has made a sufficient showing, PRPHA shall justify the action or inaction against which the complaint is directed or the proposed deposition in its answer to the complaint.
- 6311.3 Both parties to the hearing may present evidence and arguments in support of their positions, controvert evidence and cross-examine all witnesses for the other side.
- 6311.4 The hearing shall be conducted informally by the hearing officer, and oral or documentary evidence relevant to the facts and issues raised by the complaint and answer may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- 6311.5 The hearing officer shall require PRPHA, the complainant, counsel, and other participants or spectators to conduct themselves in an orderly manner.
- 6311.6 Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the hearing or in a decision adverse to the interest of the disorderly party and granting or denial of the relief sought, as appropriate.

**6312 TRANSCRIPT OF PROCEDURES**

- 6312.1 Verbatim transcripts shall not be made of the proceedings. If either party desires a transcript, the party shall do the following:
- (a) Secure, at his or her own expense, the services of a qualified transcriber service, subject to the approval of the hearing officer;
  - (b) Pay all costs incurred directly to the transcriber service; and
  - (c) Furnish a copy of the transcript to the hearing officer for his or her certification and incorporation into the record of the proceedings.
- 6312.2 Either party may, at his or her own expense, make a tape recording of the proceeding upon disclosure to the hearing officer and the other party.

**6313                    DECISION OF THE HEARING OFFICER**

6313.1                The hearing officer shall prepare a written decision, together with the reasons therefore, within ten (10) working days after the close of the hearing. Copies of the decision shall be mailed to the complainant, PRPHA, and the Office of Fair Housing (OFH).

6313.2                The decision of the hearing officer shall be binding on PRPHA, which shall take all actions, or refrain from actions, necessary to carry out the decision, unless the PRPHA Administrator or an official delegated by the PRPHA Administrator does the following:

- (a)        Determines that the complaint does not concern a PRPHA act or failure to act as prescribed by the complainant's lease or PRPHA rules, policies (established under §6002 of this subtitle) or regulations, that adversely affect the complainant's rights, duties, welfare or status; or
- (b)        Determines that the decision of the hearing officer is contrary to applicable federal or Puerto Rico law or regulations or requirements of the Annual Contributions Contract (ACC) between HUD and the PRPHA.

6313.3                The PRPHA Administrator or designee of the PRPHA Administrator shall make the determination within the time provided in §6316.1, and promptly notify all parties to the hearing of his or her determination.

**6314                    BRIEFS IN SUPPORT OF OR TAKING ISSUE WITH THE DECISION OF THE HEARING OFFICER**

6314.1                Any party may file a brief with the Chief of OFH in support of or in opposition to the hearing officer's decision within ten (10) working days after service of the decision.

**6315                    EFFECT OF DECISION**

6315.1                A decision of the hearing officer which is in favor of PRPHA, or denies the complainant his or her requested relief in whole, or in part, shall not constitute a waiver of, or affect in any manner whatever, rights the complainant may have to a trial *de novo* in judicial proceedings which may be later brought in the matter.

6315.2                In a *de novo* judicial proceeding, neither party shall be limited to invoking against the other the grounds originally relied on in the administrative proceedings.

**6316                    DECISION OF THE PRPHA ADMINISTRATOR**

- 6316.1            Within seven (7) working days after expiration of the time for filing briefs as provided in Section 6314, the PRPHA Administrator, upon consideration of the record, together with any briefs, shall make a determination of the enforceability of the hearing officer's decision as provided in Section 6313.2(a) and (b).
- 6316.2            The PRPHA Administrator may modify or set aside, in whole or in part, the decision of the hearing officer.
- 6316.3            In any case in which the PRPHA Administrator proposes to modify or set aside all or any part of the hearing officer's decision, the PRPHA Administrator shall serve on each party a proposed decision, including findings of fact and conclusions of law.
- 6316.4            The parties shall be given fourteen (14) days from the date of receipt of the PRPHA Administrator's proposed decision to file exceptions. Each party may request oral argument when submitting exceptions.
- 6316.5            The PRPHA Administrator shall make a final decision within fourteen (14) days after exceptions to the proposed decision have been filed, and an oral argument held, if requested. Copies of the final decision shall be served on all parties.

**6317                    NOTICE TO VACATE PREMISES**

- 6317.1            If the complaint relates to the termination of a dwelling lease through the service of a Notice to Vacate upon the complainant, and the hearing officer's determination upholds the action to terminate the tenancy, PRPHA shall take no further action to evict the resident until it has served upon the resident a Notice to Vacate; provided, that the notice shall not be subject to the filing of a complaint under the grievance procedure.
- 6317.2            A Notice to Vacate shall not be issued prior to the date the Hearing Officer's final decision pursuant to §6313.1 is delivered or mailed to the complainant.
- 6317.3            Whenever a Notice to Vacate is given to the complainant, he or she shall be informed in writing of the following:
- (a)    If he or she fails to vacate the premises within the appropriate period, further appropriate legal actions shall be taken against him or her; and

- (b) If suit is brought against him or her, the resident may be required to pay court costs and attorney fees incurred.

## **6318 RECORDS**

- 6318.1 The Central Grievance files shall be maintained in a central location by the PRPHA's Office of Fair Housing and shall be made promptly available to interested members of the public for inspection and copying pursuant to procedures established by the Office of Fair Housing.
- 6318.2 Subject to §6307.1(d), a reasonable charge of not more than twenty-five (25) cents per page may be assessed for copying any document in the Central Grievance files.

## **6399 DEFINITIONS**

- 6399.1 When used in this chapter, the following words and terms shall have the meaning ascribed:

**Applicant** - Any person who has filed a written application of admission to public housing owned or operated by PRPHA.

**Central Grievance Files** - Individual files containing copies of documents relevant to each complaint, including but not limited to the complaint, informal settlement agreement, answer, request for a hearing and notification of hearing, hearing officer's decision, any decision in review, and any judicial pleadings and decisions.

**Complainant** - Any resident of PRPHA owned or operated housing or any applicant for admission to such housing who files a complaint with PRPHA pursuant to this Chapter.

**Complaint** - A request for administrative consideration of any dispute with respect to a PRPHA act or failure to act in accordance with the complainant's lease (if a resident) or PRPHA rules which adversely affect the rights, duties, welfare, or status of the complainant.

**Escrowed** - Placed under the exclusive control of the escrow agent or trustees named under the provisions of §6308 this Chapter.

**Hearing Officer** - A person designated to preside over a hearing in accordance with §§6303 and 6304 of this Chapter.

**Notice to Vacate** - A notice to cure or vacate, or a notice to vacate, as defined in §6099.1 of this Chapter, whichever is applicable.

**OFH** - Office of Fair Hearings.

**Resident** - A person who leases a dwelling from PRPHA as a signatory to a dwelling lease.

**Workdays** - Days in which the offices in the PRPHA offices are regularly open

## **APPENDIX E**

### **PUERTO RICO PUBLIC HOUSING ADMINISTRATION DRAFT EMERGENCY PROCEDURES**

**APPENDIX E – VOLUNTARY COMPLIANCE AGREEMENT  
PUERTO RICO PUBLIC HOUSING ADMINISTRATION  
DRAFT EMERGENCY PROCEDURES**

**PUERTO RICO HOUSING AUTHORITY  
EMERGENCY PROTOCOL  
Communication with and Assistance to Mobility-Impaired Residents  
And Residents on Life-Sustaining Equipment**

**PURPOSE**

To establish methods for communicating with and assisting residents of housing owned and operated by the Puerto Rico Public Housing Administration (PRPHA) who have mobility impairments or are dependent on life-sustaining equipment during specific emergencies that would have an adverse impact on those residents.

**OBJECTIVE**

In order to preserve the quality of life, PRPHA's emergency response plan is based on delivery of services to at-risk PRPHA residents. An at-risk resident shall be defined as a resident who through age, medical infirmity, or disability may have his or her life affected by the total disruption of public utilities and telecommunications services. It is the objective of the procedures to provide these at-risk residents with immediate response.

**TELECOMMUNICATION INTERGRATION OF PRPHA AND LOCAL FIRE & POLICE DEPARTMENTS**

A disruption of Puerto Rico's telephone service can affect emergency and normal calls for police services. In order to coordinate a communications point-of-contact of mutual public safety issues with the local police and fire departments, designated PRPHA patrols (car, bike, foot) will be deployed to check on the welfare of identified at-risk PRPHA residents.

**IDENTIFICATION OF AT-RISK RESIDENTS**

PRPHA Property Managers must maintain accurate and up-to-date data identifying all residents who have mobility impairments and all residents who utilize life-sustaining equipment.

PRPHA will gather this data from residents on the Resident Emergency Information Sheet. The Resident Emergency Information Sheets will be maintained confidentially in PRPHA's files. In addition, the Resident Emergency Information Sheets will be released only to appropriate PRPHA employees, contractors, and/or agents for purposes of

coordination of PRPHA's Emergency Procedures. PRPHA Property Managers at each public housing property will provide the Office of Public Safety with the information on all at-risk residents. The listings of at-risk residents will be separated by region and forwarded to each PRPHA Regional Police Commander. The PRPHA Regional Commander shall designate his/her regional police officers to coordinate responses with local police and fire departments should an incident dictate such a response.

## **PROTOCOL FOR RESPONDING TO REQUESTS RECEIVED CONCERNING THE WELFARE OF AT-RISK PRPHA RESIDENTS**

It is anticipated that during an emergency the PRPHA will receive numerous requests from relatives and friends to check on the welfare of at-risk residents. The following policy and procedures are established for officials, sworn police officers, special police officers, and resident monitors relating to PRPHA's response to a request from a concerned party regarding the welfare of a resident.

### **Police Officers and Special Police Officers**

#### Requests received during normal PRPHA business hours:

If a request is received during normal working hours of the PRPHA, the police officer or special police officer shall contact the appropriate PRPHA Property Manager. The Property Manager can assist the police officer or special police officer in his or her investigation regarding the resident's welfare.

#### Requests received outside of business hours of the PRPHA:

1. If a request is received outside of business hours, the police officer shall attempt to contact the resident by telephone. If the police officer receives no response by telephone, the police officer shall go to the resident's apartment in an effort to contact the resident. Should the police officer contact the resident, the police officer shall inform the resident of the third-party inquiry and request that the resident contacts the concerned party. Should the resident not wish to speak with the concerned party, the police officer shall contact the concerned party, only reporting that the resident was advised of the concerned party's inquiry.
2. If the police officer receives no answer either by phoning or visiting the resident, the police officer shall then contact the PRPHA Watch Commander regarding the request. The police officer shall explain to the Watch Commander the nature of the third party request. If the Watch Commander authorizes entry, the police officer shall contact one of the building's Resident Custodians or the Property Manager who can assist the police officer with entry into the resident's unit.
3. Upon gaining entry into the unit, the police officer shall first announce his or her presence and authority, i.e., "Puerto Rico Public Housing Administration Housing Police, Officer Smith; Ms. Miller are you, ok?" If the police officer receives no



answer, the police officer shall announce his or her presence in every room of the unit. If the police officer receives an answer at the door, the police officer shall not enter the apartment without the permission of the resident. Should the resident be in some type of medical distress, the police officer shall immediately summon medical assistance.

4. The police officer shall report his or her circumstances of entry into the resident's unit on an Incident Report; one (1) copy shall be forwarded to the Property Manager and one (1) copy shall be delivered to PRPHA's Central Office. The Incident Report shall be attached to the Watch Commander's report.

### **PRPHA Resident Monitors**

#### Requests received during normal business hours:

If a request is received during normal working hours of the PRPHA, the Resident Monitor shall contact the appropriate Property Manager. The Property Manager may contact the PRPHA Watch Commander if police assistance is required.

#### Requests received outside of normal business hours of the PRPHA:

If a request is received outside of business hours of the PRPHA, the Resident Monitor shall contact the PRPHA Watch Commander by page: (787) XXX-XXXX. The Resident Monitor shall provide the name and telephone number of the concerned party. The Resident Monitor's responsibilities shall be concluded at this stage. Resident Monitors have no legal authority to enter any resident's unit.

### **PRPHA Watch Commander and other PRPHA officials**

#### Normal business hours of the PRPHA:

Upon receiving a request to assist a PRPHA Property Manager, the PRPHA Watch Commander shall provide the Property Manager with all reasonable assistance.

#### Non-business hours of the PRPHA:

1. Upon receiving a request to check on the welfare of a resident, the PRPHA Watch Commander shall check the PRPHA resident roster of the involved property to ascertain if in fact the party in question is a resident of the PRPHA. If no roster is available, the Watch Commander shall contact the Property Manager through the PRPHA Central Office at (787) XXX-XXXX.
2. Once the resident's residency is established, the PRPHA Watch Commander shall ensure that all above procedures are followed.

Nothing in these guidelines shall preclude PRPHA personnel from summoning the local fire department for forcible entry when a medical emergency is occurring and where entry must be made expeditiously. If it becomes necessary to remove a resident from a unit, any PRPHA employee shall direct emergency personnel with appropriate equipment to the affected resident.

## **I. EVACUATION AND FIRE SAFETY PLAN**

PRPHA shall maintain an Evacuation and Fire Safety Plan for each public housing development. The Plan shall include: (i) emergency telephone numbers, (ii) building floor plans; (iii) listings of at-risk PRPHA residents; (iv) specific evacuation plan for persons with disabilities; (v) building/resident fire safety information; and, (vi) the information regarding the local fire department's evacuation procedures.

## **II. PUERTO RICO'S OFFICE OF EMERGENCY PREPAREDNESS**

The PRPHA shall designate a Special Projects Coordinator as the agency's representative for emergency services to the Puerto Rico government. Request for services to address the particular emergency at hand such as water, food, first-aid supplies, medications, clothing and bedding and any special items for infants, elderly or disabled family members shall be made by the PRPHA Police Regional Commander to the Special Projects Manager through the PRPHA Central Office.

Should evacuation of a building or a property be ordered, Regional Commanders shall follow emergency fire evacuation procedures of the PRPHA. The PRPHA official placed in charge of the evacuation shall ensure that staging area(s) are prepared for vehicular ingress and egress of emergency or PRPHA vehicles. The official shall be designated as the Incident Commander until the arrival of the PRPHA's Regional Police Commander.

## **III. MEDIA AND RESIDENT INFORMATIONAL REQUESTS**

It is the policy of the PRPHA that the PRPHA's Office of Public Affairs handles all requests by local media. Should the media request that a PRPHA employee provide information regarding PRPHA's deployment of personnel during an emergency, the PRPHA employee shall refer the media representative(s) to the PRPHA's Office of Public Affairs at (787) XXX-XXXX. PRPHA employees should advise residents that appropriate PRPHA emergency personnel and PRPHA staff are addressing the current situation.

## **IV. EMERGENCY PROTOCOL FOR RESIDENTS ON LIFE SUSTAINING EQUIPMENT**

Residents on Life Sustaining Equipment will be notified individually of any planned interruption of electrical service to their unit or their building at least twenty-four (24) hours in advance. For unplanned interruptions of service, residents on life sustaining equipment should first call 911 for immediate assistance, then the PRPHA Central Office

for Emergency Matters, in which case if evacuation is required the procedures under Section I. above shall apply.

## **APPENDIX F**

### **PUERTO RICO PUBLIC HOUSING ADMINISTRATION DRAFT EFFECTIVE COMMUNICATION POLICY**

**APPENDIX F – VOLUNTARY COMPLIANCE AGREEMENT  
PUERTO RICO PUBLIC HOUSING ADMINISTRATION  
DRAFT EFFECTIVE COMMUNICATION POLICY**

**EFFECTIVE COMMUNICATION POLICY**

It is the policy of the Puerto Rico Public Housing Administration (PRPHA) to ensure that communications with applicants, residents, employees, and members of the public with disabilities are as effective as communications with others.

PRPHA, including its employees, agents, contractors and private management companies/agents, shall furnish appropriate auxiliary aids and services, where necessary, to afford individuals with disabilities, including individuals with hearing or visual disabilities, an equal opportunity to participate in, and enjoy the benefits of, the programs, services and activities conducted by the PRPHA.

**AUXILIARY AIDS AND SERVICES:**

"Auxiliary aids and services" include, but are not limited to: (1) qualified sign language interpreters, note-takers, transcription services, written materials, telephone handset amplifiers, assistive listening devices, assistive listening systems, telephones compatible with hearing aids, closed caption decoders, open and closed captioning, telecommunications devices for deaf persons (TDDs), videotext displays, or other effective methods of making aurally delivered materials available to individuals with hearing impairments; and, (2) qualified readers, taped texts, audio recordings, Brailled materials, large print materials, or other effective methods of making visually delivered materials available to individuals with visual impairments.

**REQUEST FOR EFFECTIVE COMMUNICATION:**

When an auxiliary aid or service is required to ensure effective communication, the PRPHA will provide an opportunity for an individual with a disability to request the auxiliary aid or service of his or her choice. The PRPHA will give primary consideration to the choice expressed by the individual. "Primary consideration" means that the PRPHA will honor the choice, unless it can show that another equally effective means of communication is available; or, that use of the means chosen would result in a fundamental alteration in the nature of its service, program, or activity or in an undue financial and administrative burden.

The individual will submit his/her request for auxiliary aids or services to the appropriate PRPHA official designated below. All requests shall be dated and time-stamped upon receipt by the appropriate PRPHA official.

Within forty-eight (48) hours of receipt of the individual's request, the designated PRPHA official will consult with the individual with the disability when the preferred

type of auxiliary aid or service is not available or not required, and the official is attempting to ascertain whether an alternative means of communication will ensure effective communication.

Within five (5) business days following receipt of the effective communication request(s), the designated PRPHA official will provide the requesting individual with a written notification of the proposed auxiliary aid or service to be provided.

The Section 504/ADA Coordinator will maintain copies of all requests for effective communication and the PRPHA's response, including final disposition, for the duration of this Agreement.

Individual requests for Effective Communication will be directed to the following PRPHA officials:

**Resident Requests:**

PRPHA resident requests for auxiliary aids or services should be made to the Property Manager at the resident's development.

**Applicant Requests:**

Applicants for PRPHA housing should make requests for auxiliary aids and services to the PRPHA's Effective Communications Coordinator. The PRPHA's Effective Communications Coordinator shall report directly to the PRPHA's Section 504/ADA Coordinator.

**Other Requests:**

Requests from members of the public who wish to participate in programs, services and/or activities of the PRPHA shall submit their request(s) for auxiliary aids and services to the PRPHA's Effective Communication Coordinator. The PRPHA's Effective Communications Coordinator shall report directly to the PRPHA's Section 504/ADA Coordinator.

However, individuals with disabilities who request auxiliary aids or services for public events such as public hearings, Board hearings, public meetings, etc., shall make their requests no later than forty-eight (48) hours prior to the event.

**GRIEVANCE PROCEDURES:**

If the requesting individual with a disability is not satisfied with the PRPHA's response to the individual's request(s) for an auxiliary aid or service, the individual may file a formal grievance, including appropriate supporting documentation, if any, with the PRPHA's Section 504/ADA Coordinator. The grievance may be communicated orally or in writing. However, all oral grievances must be reduced to writing and maintained in

the PRPHA's files. In addition, the PRPHA shall provide assistance to any individual who requests assistance in filing a grievance, including assistance in reducing the individual's grievance to writing. All grievances shall be dated and time-stamped.

Within seventy-two (72) hours of receipt, the PRPHA's Section 504/ADA Coordinator will respond to the individual's grievance.

The Section 504/ADA Coordinator will provide his/her formal decision, in writing, within ten (10) business days after receipt of the grievance.

If the individual is dissatisfied with the PRPHA's Section 504/ADA Coordinator's determination, the individual may pursue remedies under the PRPHA's HUD-approved Grievance Procedures.

## **APPENDIX G**

### **PUERTO RICO PUBLIC HOUSING ADMINISTRATION UNIFORM FEDERAL ACCESSIBILITY STANDARDS (UFAS) and ADA STANDARDS FOR ACCESSIBLE DESIGN (ADA STANDARDS)**